

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD HOLLIHAN, JR.,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 07-102J
)	Judge Arthur J. Schwab
GERALD ROZUM, Superintendent; THE)	Magistrate Judge Amy Reynolds Hay
DISTRICT ATTORNEY OF ALLEGHENY))	
COUNTY; and THE ATTORNEY)	
GENERAL OF THE STATE OF PENN-)	
SYLVANIA;)	
)	
Respondents)	

ORDER

AND NOW, this 8th day of June, 2007, after the petitioner, Richard Hollihan, Jr., filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed by Petitioner which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition filed pursuant to 28 U.S.C. Section 2254 is dismissed prior to service for lack of subject matter jurisdiction;

IT IS FURTHER ORDERED that a certificate of appealability is denied..

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/Arthur J. Schwab

Arthur J. Schwab

United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Richard Hollihan, Jr.
AJ-0676
SCI Somerset
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